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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/980,777	02/20/2002	Jean-Noel Telles	111380	8868	
75	90 05/19/20	03			
Oliff & Berridge			EXAM	EXAMINER	
PO Box 19928 Alexandria, VA 22320			STUCKER,	JEFFREY J	
			ART UNIT	PAPER NUMBER	
		•	1648	10	
			DATE MAILED: 05/19/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

	14 11 11 11	
	Application No.	Applicant(s)
Office Action Summary	Examiner	Group Art Unit
The MAILING DATE of this communication app	ears on the cover she	eet beneath the correspondence address-
Period for Reply		1
A SHORTENED STATUTORY PERIOD FOR REPLY IS SETOF THIS COMMUNICATION.	T TO EXPIRE	MONTH(\$) FROM THE MAILING DATE
<ul> <li>Extensions of time may be available under the provisions of 37 CF from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days,</li> <li>If NO period for reply is specified above, such period shall, by defative to reply within the set or extended period for reply will, by set</li> </ul>	a reply within the statutory rault, expire SIX (6) MONTH:	minimum of thirty (30) days will be considered timely. S from the mailing date of this communication .
Status		
☐ Responsive to communication(s) filed on		,
☐ This action is <b>FINAL</b> .		
<ul> <li>Since this application is in condition for allowance exce accordance with the practice under Ex parte Quayle, 1</li> </ul>		
Disposition of Claims		
✓ Claim(s) /~/4		is/are pending in the application.
Of the above claim(s)		
□ Claim(s)		
		·
☐ Claim(s) / - / - / - / - / - / - / - / - / - /		is/are objected to.
Claim(s) 7 - 1.7		are subject to restriction or election requirement.
Application Papers		·
☐ See the attached Notice of Draftsperson's Patent Drav		
☐ The proposed drawing correction, filed on	is □ approv	• •
☐ The drawing(s) filed on is/are ob	jected to by the Examin	er.
☐ The drawing(s) filed on is/are ob☐ The specification is objected to by the Examiner.	•	er.
<ul> <li>☐ The drawing(s) filed on is/are ob</li> <li>☐ The specification is objected to by the Examiner.</li> <li>☐ The oath or declaration is objected to by the Examiner</li> </ul>	•	er.
☐ The drawing(s) filed on is/are ob☐ The specification is objected to by the Examiner.	•	er.
<ul> <li>☐ The drawing(s) filed on is/are ob</li> <li>☐ The specification is objected to by the Examiner.</li> <li>☐ The oath or declaration is objected to by the Examiner</li> <li>Priority under 35 U.S.C. § 119 (a)-(d)</li> <li>☐ Acknowledgment is made of a claim for foreign priority</li> <li>☐ All ☐ Some* ☐ None of the CERTIFIED copies</li> <li>☐ received.</li> </ul>	v under 35 U.S.C. § 11 9 of the priority documen	9(a)-(d). Its have been
<ul> <li>□ The drawing(s) filed on is/are ob</li> <li>□ The specification is objected to by the Examiner.</li> <li>□ The oath or declaration is objected to by the Examiner</li> <li>Priority under 35 U.S.C. § 119 (a)-(d)</li> <li>□ Acknowledgment is made of a claim for foreign priority</li> <li>□ Ali □ Some* □ None of the CERTIFIED copies</li> <li>□ received.</li> <li>□ received in Application No. (Series Code/Serial Nur</li> <li>□ received in this national stage application from the</li> </ul>	v under 35 U.S.C. § 11 9 of the priority documen mber)	9(a)-(d). Its have been  CT Rule 1 7.2(a)).
<ul> <li>□ The drawing(s) filed on is/are ob</li> <li>□ The specification is objected to by the Examiner.</li> <li>□ The oath or declaration is objected to by the Examiner</li> <li>Priority under 35 U.S.C. § 119 (a)-(d)</li> <li>□ Acknowledgment is made of a claim for foreign priority</li> <li>□ All □ Some* □ None of the CERTIFIED copies</li> <li>□ received.</li> <li>□ received in Application No. (Series Code/Serial Nur</li> </ul>	v under 35 U.S.C. § 11 9 of the priority documen mber)	9(a)-(d). Its have been  CT Rule 1 7.2(a)).
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☐ The drawing(s) filed on	v under 35 U.S.C. § 11 9 of the priority documen mber) International Bureau (Po	9(a)-(d). Its have been  CT Rule 1 7.2(a)).
<ul> <li>□ The drawing(s) filed on</li></ul>	v under 35 U.S.C. § 11 9 of the priority documen mber) International Bureau (Po	9(a)-(d).  Its have been  CT Rule 1 7.2(a)).

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Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-3 and 8-10, drawn to detecting mutations in amino acids at positions 10, 45, 46, 54, 64, 82, 84, and 90, classified in Class 435, subclass 23.

II. Claims 4, 5, and 11-13, drawn to detecting mutations in a nucleotide sequence, classified in Class 435, subclass 6.

III. Claim 6, drawn to sequencing protease protein, classified in Class 435, subclass 23.

IV. Claims 7 and 14, drawn to nucleic acid probes, classified in Class 536, subclass 24.32.

Applicant is further required to elect the specific mutation to be examined. If there is overlap with an allowable sequence, rejoinder may be possible.

The inventions are distinct, each from the other because of the following reasons:

The invention of Groups I and II are different from each other because they are measuring a protein sequence vs. a nucleic acid sequence, respectively. Therefore, the starting materials, reagents, and method step are different. These methods are different from the method of Group III which requires sequencing a protein. The nucleic acid sequences of Group IV can be used as

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primers and to encode HIV-2 protease which is distinct from the claimed methods which use nucleic acid sequences as probes.

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Because these inventions are distinct for the reasons given above and have acquired separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Papers related this application may be submitted to Group 1648 by facsimile transmission. Papers should be faxed to Group 1648 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG (November 15, 1989).

The Group 1648 Fax numbers are: (703) 308-4242 and (703) 305-3014.

Unofficial communications may be faxed to: (703) 308-4426.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Stucker whose telephone number is (703) 308-4237. The examiner can normally be reached Monday to Thursday from 7:00am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel, can be reached on (703) 308-4027.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

JEFFREY STUCKER